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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)

9 Plaintiff(s),)

10 vs.)

11 TIMOTHY MORTENSEN,)

12 Defendant(s).)
13 _____)

Case No. 2:11-cr-95-RLH-CWH

ORDER

(Emergency Motion/Urgent to
Extend Self-Surrender Date—#68)

14 Before the Court is Defendant's **Emergency Motion Urgent Ex Parte Motion to**
15 **Extend Self-Surrender Date** (#68, filed November 26, 2012), seeking a one-week extension of his
16 self-surrender date of November 27, 2012—today.

17 Defendant's motion is untimely, and fails to show good cause for his request.
18 Following a plea of guilty without the benefit of a plea agreement, Mortensen was sentenced on June
19 14, 2012. He was permitted to self-surrender on August 17, 2012. He filed a notice of appeal on June
20 20, 2012, designating transcripts.

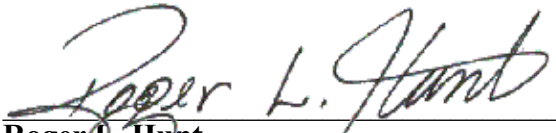
21 On July 3, 2012, he filed a motion to extend the date of surrender. This Court granted
22 that motion and extended his surrender date to November 16, 2012. On October 4, 2012, Mortensen
23 filed a motion to stay execution of judgment pending his appeal. That motion was denied on October
24 10, 2012. Mortensen then filed the same motion with the Ninth Circuit Court of Appeals, which also
25 denied the motion on November 20, 2012, and ordered him to surrender today, November 27, 2012.
26 He claims this did not give him adequate time to request reconsideration by the Court of Appeals, but

1 seeks this extension to get his circumstances in order. He has had since June 14, 2012, to get his
2 affairs in order and has apparently failed to do so for five months. If he could not do it in five
3 months, it is not reasonable to expect him to be able to do it in seven days. He is wasting time with
4 this motion, which this Court suspects is really an effort to gain more time to file a motion for
5 reconsideration by the Court of Appeals.

6 His motion was filed with the clerk yesterday afternoon, and only came to the attention
7 of the undersigned this morning. There is insufficient time to delay his custody. Furthermore, the
8 Court finds that he fails to show good cause why the motion should be granted.

9 IT IS THEREFORE ORDERED that Defendant Mortensen's **Emergency Motion**
10 **Urgent Ex Parte Motion to Extend Self-Surrender Date** (#68) is DENIED.

11 Dated: November 27, 2012.

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14 **Roger L. Hunt**
United States District Judge
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